CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW.

G

Name of person signing certification:_

Date: 12/23/02

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PATENT

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Post-if Fax Note

Attorney's Docket No. 111228CX3.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

TOLSON

Group Art Unit: 2631

Application No.: 10/040,534

Examiner:

Filed: 12/28/01

Office of Petitions

For: FREQUENCY SYNTHESIZER FOR

DUAL MODE RECEIVER

RENEWED PETITION UNDER 37 CFR 1.47(b)

Assistant Commissioner of Patents Washington, D.C. 20231

Sir:

FAX RECEIVED

DEC 2 3 2002

Applicant hereby makes renewed petition for Tropian Inc. ("Tropian") to make ETITIONS OFFICE application for patent on behalf of and as agent for the sole inventor of the present application,

Nigel J. Tolson, a resident of Great Britain residing at 5 Brading Way, Purley-on-Thames,

Reading, Berks, GB RG8 8BS.

In further support of the petition are the following: the declaration of Michael J.

Ure.

PATENT Attorney's Docket No. 111228CX3.US Page 2

The present petition is necessary to avoid loss of rights by the rightful assignee, Tropian. If the present renewed petition is not granted, Tropian will be unable to secure U.S. patent rights in the valuable invention of Mr. Tolson made for Tropian in the course of his employment and pursuant to his employment agreement with Tropian. Tropian would, as a result, experience irreparable harm.

Respectfully submitted,

TROPIAN, INC.

By: Michael J. Vre (Reg. No. 33,089)

20813 Stevens Creek Blvd. Cupertino, CA 95014 (408) 422-1319

Date: December 23, 2002

CERTIFICATE OF FACSIMILE TRANSMISSION

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Name of person signing certification: Mcc

Attorney's Docket Nos. 111228TWT.US and

111228CX3.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Applications of

TOLSON

Group Art Unit:

Application Nos.: 10/040,535; 10/040,534

Examiner:

Filed: 12/28/01

Office of Petitions

For: TWIN-T DUAL NOTCH FILTER

and FREQUENCY SYNTHESIZER FOR DUAL MODE RECEIVER

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DEC 2 3 2002

I, Michael J. Ure, DECLARE THAT:

PETITIONS OFFICE

- 1. I am the attorney of record in the subject patent applications. I am currently responsible for the applications and have been from the time of filing.
- 2. The "docs" referred to in the history of Mr. Tolson's e-mail reply of July 31, 2002 (submitted previously) are the declaration and assignment for each of the subject applications.

 These documents were attached as e-mail attachments to a prior e-mail that I sent to Mr.

 Tolson. Copies of these e-mail attachments as they were sent to Mr. Tolson with the prior e-mail are attached hereto.
- 3. Subsequent to filing of the subject applications on December 28, 2001, and prior to April

PATENT
Attorney's Docket Nos. 111228TWT.US and
111228CX3.US

15, 2002 (the approximate date of termination of Mr. Tolson's employment with Tropian, the rightful assignee), I sent to Mr. Tolson, also by e-mail, complete copies of the applications as filed, together with declaration and assignment documents, substantially identical to those attached hereto, for Mr. Tolson's signature. No copy of the e-mail sending the applications to Mr. Tolson currently exists. However, in subsequent telephone communications with Mr. Tolson, he acknowledged to me that he had received the e-mail, the copies of the applications and the declaration and assignment documents.

- 4. Besides the subject applications, Mr. Tolson was named as inventor on only one other patent application for Tropian; in that other patent application, Mr. Tolson was one of several co-inventors, whereas he is named as the sole inventor of the subject applications. Because of these circumstances, when I resent the "docs" by e-mail to Mr. Tolson for signature, there was no doubt in my mind that Mr. Tolson would correctly associate the documents with the application copies sent previously. Had I had any doubt, I would have resent the application copies along with the documents.
- 5. During his employment with Tropian, Mr. Tolson was as a design engineer with responsibility for RF (cellular telephony) receivers. The inventions described in the subject applications relate directly to work carried out by Mr. Tolson for Tropian within the term of his employment. By the terms of Mr. Tolson's employment agreement with Tropian (submitted previously), Tropian is the rightful assignee of these inventions.

PATENT Attorney's Docket Nos. 111228TWT.US and 111228CX3.US

6. The undersigned further declares that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Michael J. Ure

Date: December 23, 2002

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)			Attorney Docket Num	111228TWT.US TOLSON	
			First Named Inventor		
			COMPLETE IF KNOWN		
			Application Number		/ 10/040,535
		Filing Date	12/2	28/02	
Decis Subn	aration nitted OR	☑ Declaration Submitted after Initial	Group Art Unit		
with Initial Filing (surcharge (37 CFR 1.16 (e)) required)		Examiner Name			

As a below named invent	or, I hereby declare that:									
My residence, post office address, and citizenship are as stated below next to my name.										
i believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is dalmed and for which a patent is sought on the invention entitled:										
Twin-T dual not	ch filter		<u> </u>							
the specification of which (Title of the Invention)										
is attached hereto OR was filed on (MM/DD	2/28/2002	as United	l States Applicat	ion Number or PCT International						
Application Number 10/0		as amended on (MM/DD/Y)	m	(if applicable).						
I hereby state that I have re- amended by any amendmen	viewed and understand the out of specifically referred to about	contents of the above identi ive.	fied specification	n, including the claims, as						
I acknowledge the duty to di			defined in 37 CF	R 1.56.						
I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(s) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.										
Prior Foreign Application ·	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES NO						
Number (3)		, mon-e-i	مومم	0000						
Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:										
I hereby claim the benefit u Application Number		I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.								
		(MM/DD/YYYY)								

[Page 1 of 2]
Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case, Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

FAX RECEIVED DEC 2 3 2002 **PETITIONS OFFICE**

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PTO/SB/01 (12-97)

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Petent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paparwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB capital attraction. a valid OMB control number.

DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT International application designating the United States of America, listed below and, Insofer as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the dufy to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application. Parent Patent Number U.S. Parent Application or PCT Parent Parent Filing Date (if applicable) (MM/DD/YYYY) Number Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Pater and Trademark Office connected therewith: Customer Number Number Bar Code OR
Registered practitioner(s) name/registration number listed below I abel here Registration Registration Number Name Number 33,089 Michael J. Ure Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto OR Correspondence address below Direct all correspondence to: 🗹 Customer Number 30233 or Bar Code Label Name Address Address State ZIP City Telephone Fax Country I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that thate statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. A petition has been filed for this unsigned inventor Name of Sole or First Inventor: Given Name (first and middle (if any)) Family Name or Syrname TOLSON Nigel J. Inventor's Date 07/06/02 Signature GB GB Berks Reading Residence: City Post Office Address 5 Brading Way, Purley-on-Thames Post Office Address **RG8 8BS** GB Berks Reading Country supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto Additional inventors are being named on the

408-6174856

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ASSIGNMENT

(SOLE)

residing (hereinaft	THI at er refei	S ASSIGNMENT, by Nigel J. TOLSON 5 Rrading Way, Purley-on-Thames, Reading, Berks, GB RG8 8BS red to as "the Assignor"), witnesseth:	
Twin-T	WH dual no	IEREAS, the Assignor has invented certain new and useful improvements in	FAX RECEIVED
set forth	in an a	pplication, which is a	DEC 2 3 2002
. •		☐ provisional application ☐ non-provisional application	DEG Z J ZOUZ
	1.	(a) ☐ filed herewith; (b) ☐ to be filed;	PETITIONS OFFICE
	2.	having an oath or declaration executed on even date herewith prior to filing of application;	•
	3	El bearing Application No. 10/040,535 and filed on 12/28/02 ; and	

WHEREAS, TROPIAN, INC., a corporation duly organized under and pursuant to the laws of THE STATE OF CALIFORNIA, and having its principal place of business at 20813 Stevens Creek Boulevard, Suite 150. Cupertino, California 95014-5649 (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the above-mentioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said application, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignor is the sole and lawful owner of the entire right, title, and interest in and to the inventions set forth in said applications and said applications, including provisional applications, above-mentioned, and that the same are unencumbered, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns that the Assignor will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said inventions or said applications for Letters Patent or Patents, or any proceeding in connection with Letters Patent or Patents for said inventions in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent or Patents for said inventions, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns,

AND the Assignor hereby requests the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee, as the Assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

PSUC CIP

Date 07/06/02

12/23/2002 14:05

Signature of Assignor

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	disclose Information which is r		defined in 37	CFR 1.56.		
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DECLARATION — Utility or Design Patent Application

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Registration Name Registration Number Registration Number Number Number Michael J. Ure 33.089 Additional registered practitioner(s) named on supplemental Registered Practitionar Information sheet PTO/SB/02C attached hereto. Direct all correspondence to: Customer Number or Ber Code Label Name Address City State Zip Country Telephone I hereby declare that all statements made herein of my sum knowledge are true and that all statements made on information and bellef are believed be true; and further that these statements were made with the knowledge that willful false statements made on information and bellef are believed be to true; and further that these statements were made with the knowledge that willful false statements made on information and bellef are believed be to true; and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application or any partern Issued thereon. Name of Sole or First Inventor: Given Name (first and middle (if ainv!) Reading State Berks Country GB	and Trademark Office con	nnected therewith:	Customer Nur	nber				—▶ 「	LIGHT CRISIO	11/0/
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Additional inventors are being named on thesupplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached heret	City	Reading State	Berks	ZI	_P F	RG8 8B	s	Country	GB :	
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ASSIGNMENT

(SOLE)

THIS ASSIGNMENT, by Nigel J. TOLSON residing at 5 Brading Way, Purley-on-Tharnes Reading, Berks, GB RG8 8BS (hereinafter referred to as "the Assignor"), witnesseth:	
WHEREAS, the Assignor has invented certain new and useful improvements in <u>Frequency synthesizer for dual mode receiver</u> set forth in an application, which is a	FAX RECEIVED
provisional application	DEC 2 3 2002
1. (a) ☐ filed herewith; (b) ☐ to be filed;	PETITIONS OFFICE
 having an oath or declaration executed on even date herewith prior to filing of application; 	
3.	
WHEREAS, TROPIAN, INC., a corporation duly organized under and pursuant to the laws of THE STATE OF CALIFORNIA, and having its principal place of business at 20813 Stevens Creek Boulevard, Suite 150, Cupertino, California 95014-5649 (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application,	

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the above-mentioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said application, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made;

and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon.

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignor is the sole and lawful owner of the entire right, title, and interest in and to the inventions set forth in said applications and said applications, including provisional applications, abovementioned, and that the same are unencumbered, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns that the Assignor will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said inventions or said applications for Letters Patent or Patents, or any proceedings in connection with Letters Patent or Patents for said inventions in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent or Patents for said inventions, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;

AND the Assignor hereby requests the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee, as the Assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

Date 07/06/02

Signature of Assignor